

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SEOUL

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FOLLOWING TELEGRAM FROM COAST GUARD DATED JULY 29, 1976  
SENT INFO DEPT OF STATE WASHDC, DEPT OF TRANSPORTATION  
WASHDC, DEPT OF JUSTICE WASHINGTON DC, NMFS WASHINGTON DC  
IS REPEATED TO YOU: QUOTE

UNCLAS E F T O FOUO

O TO G-000-4

CSFR VIOL KS STRL KYUNG YANGNHO UNIMAK PASS

A. AMEMBASSY SEOUL 280812Z JUL 76 PASEP

1. PURPOSE OF THIS MESSAGE IS TO COUNTER KS CLAIMS MADE TO U.S. ATTORNEY

ANCHORAGE AND CONTAINED IN REF A. WHICH CLAIMS WOULD MITIGATE CSFR  
VIOLATION OF KYUNG YANG HO:

A. WITH RESPECT TO CLAIM THAT CSFR WAS TAKEN BY ONE OR A FEW LOW  
RANKING CREWMEMBERS: AT 26 JULY MEETING OF PRINCIPALS IN U.S.ATTORNEY'S

OFFICE, ANCHORAGE, DEFENSE ATTORNEY CLAIMED ONE SEAMAN, WHO WAS PRESENT

AT THE MEETING, HAD TAKEN ALL THE CSFR FOR HIS PERSONAL CONSUMPTION  
WITHOUT THE KNOWLEDGE OR APPROVAL OF MASTER OR FISHING MASTER. U.S.  
OFFICIALS NOTED SMALL STATURE OF ACCUSED SEAMAN AND CONSIDERED HIM  
INCAPABLE OF HAVING PACKAGED AND MOVED THE CSFR AS CLAIMED.FURTHERMORE,

AT TIME OF SEIZURE, BOARDING PARTY OBSERVED MANY CSFR PARTS NEAR SHARP

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FREEEER CONVEYER BELT INDICATING ADDITIONAL CSFR MAY BE INTERSPERSED

WITHIN MAIN HOLDS. IF THIS ANALYSIS IS CORRECT IT INDICATES WIDESPREAD

TAKING OF CSFR. SIZE OF CARGO (2300 METRIC TONS) PRECLUDES FULL INSPECTION. ON TRANSIT TO KODIAK, KS CREWMEN SURREPTITIOUSLY ENTERED SHARP FREEZER IN SPITE OF USCG ARMED GUARD AND DISPOSED OF 50 TO 100 LARGE (15 TO 50LB) HALIBUT WHICH HAD BEEN CAUGHT CONTRARY TO US/KS BILATERAL FISHING AGREEMENT. ORDERS TO UNDERTAKE SUCH A RISKY AND PHYSICALLY DEMANDING CHORE MAY WELL HAVE ORIGINATED WITH SHIP'S OFFICERS

RATHER THAN ONE OR A FEW LOW RANKING CREWMEN.

B. WITH RESPECT TO CLAIM THAT SOME CSFR TAKEN IN KAMCHATKA AREA: THE STATUTE IN QUESTION, 16 USC 1081, STATES QUOTE IT SHALL BE A REBUTT-

ABLE PRESUMPTION THAT ALL FISH FOUND ABOARD A VESSEL SEIZED IN CONJUNC-

TION WITH SUCH VIOLATION OF THIS ACT WERE TAKEN OR RETAINED IN VIOLATION OF THIS ACT UNQUOTE. SINCE THE VESSEL ARRIVED ON U.S. GROUNDS

WKS BEFORE SEIZURE AND CSFR WAS FOUND IN SHARP FREEZER (USED AS THE FINAL PROCESSING POINT BEFORE MOVING FISH TO MAIN HOLD), CSFR ALMOST CERTAINLY CAUGHT ON U.S. CONTINENTAL SHELF.

C. WITH RESPECT TO CLAIM THAT SOUTH KOREA AND PARTICULARLY THE KOREA

WON YANG COMPANY ARE DOING THEIR UTMOST TO PARTICIPATE IN FISHERIES MANAGEMENT AND TO DEAL HONESTLY WITH USG, THE FOLLOWING CHRONOLOGY SHOULD BE ILLUMINATING:

(1) 7 AUG 75. KS TRAWLER KUM KANG SAN OWNED BY KOREA WON YANG CO.

WAS SEIZED FOR FISHING 4.1 MILES WITHIN THE U.S. CFZ. THIS VESSEL ATTEMPTED TO ESCAPE DURING HOT PURSUIT. SUBSEQUENT INVESTIGATION REVEALED THAT SHIP'S DOCUMENTS WERE ALTERED IN AN ATTEMPT TO CONCEAL ACTUAL POSITION. TOTAL FINES 415,000 DOLS.

(2) 18 FEB 76. KS LONGLINER DONG WON 709 WAS SEIZED FOR FISHING 1.6 MILES WITHIN U.S. CFZ. THIS VESSEL ATTEMPTED TO ESCAPE DURING HOT PURSUIT. SOUTH KOREANS MADE UNTRUTHFUL CLAIMS EXPLAINING PRESENCE OF SHIP WITHIN CFZ. DURING TRANSIT TO SEIZURE PORT, MASTER OF VESSEL APPARENTLY ATTEMPTED TO RUN HIS VESSEL AGROUND FOUR TIMES. TOTAL FINES

530,000 DOLS.

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(3) MID-1976. DRASTICALLY INCREASED KS EXPLOITATION OF OVER UTILIZED POLLOCK STOCKS AND FULLY UTILIZED BLACK COD STOCKS WERE NOTED.

WHEREAS DURING THE SAME PERIOD IN 1975 THERE WERE MERELY 3 OR 4 VESSELS

ON THE GROUNDS, THERE ARE NOW MORE THAN 50. U.S. OFFICIALS HAD ATTEMPTED

TO DISSUADE GROSS FROM INCREASING THEIR EFFORTS TO NO AVAIL.

(4) 23 JUN 76. WHILE A USCG/NMFS BOARDING PARTY WAS APPROACHING KS TRAWLER SEOUL AK SAN, OWNED BY KOREAN WON YANG CO, THEY NOTED CSFR PARTS EQUIVALENT TO 3 OR 4 ANIMALS BEING THROWN OVER THE SIDE. ONLY ONE PART, A KING CRAB LEG, WAS RECOVERED. IT HAD BEEN COOKED INDICATING

A CLEAR VIOLATION OF THE U.S. CSFR LAW. HOWEVER, SEOUL AK SAN WAS NOT SEIZED DUE TO THE SMALL AMOUNT OF EVIDENCE RECOVERED. A STERN WARNING

PWAS ISSUED ALONG WITH INSTRUCTIONS TO PASS THE WARNING ON THE OTHER VESSELS. AT THE TIME OF THIS BOARDING, KYUNG YANG HO WAS IN THE IMMEDIATE AREA.

(5) 27 JUL 76 A USCG/NMFS BOARDING PARTY FOUND SALMON ABOARD THE KS STERN TRAWLER KUM KANG SAN OWNED BY THE KOREA WON YANG CO. UNDER THE CIRCUMSTANCES, THE TAKING OF SALMON WAS A VIOLATION OF THE US/KS BILATERAL FISHING AGREEMENT. THE MASTER OF KUM KANG SAN FORCEFULLY PREVENTED THE CONFISCATION OF THE SALMON.

2. IN THE RECENT PAST, ENFORCEMENT BOARDINGS OF FOREIGN VESSELS IN ALASKA WATERS HAVE INCREASED DRASTICALLY. IT IS NOT LIKELY THEY CAN BE

FURTHER INCREASED WITH PRESENT RESOURCES. STILL, LESS THAN 10 PER CENT

OF FOREIGN VESSELS ARE BOARDED EACH MONTH. SINCE CSFR VIOLATIONS CAN ONLY BE DETECTED BY BOARDING WHICH OCCUR SHORTLY AFTER THE UNLAWFUL TAKING OF CSFR, IT IS CLEAR THAT THE LAW CAN BE VIOLATED WITH RELATIVE

IMPUNITY, INDICATING THAT HEAVY PENALTIES ARE THE ONLY EFFECTIVE DEERRRENT.

3. IT IS RECOMMENDED THAT THE CONTENTS OF THIS MSG BE BROUGHT TO THE ATTENTION OF DOS, DOC, AND DOJ.

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